Supreme Court, U.S.
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No. 07-1170

In The
Supreme Court of the United States

R AND J MURRAY, LLC,

Petitioner,

v.

MURRAY COUNTY, GEORGIA;
JAMES WELCH, Sole Commissioner of Murray County;
TOM STARNES, Murray County Manager,

Respondents.

On Petition for Writ of Certiorari to the Georgia Supreme Court

PETITION FOR REHEARING

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June 13, 2008

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INTRODUCTION

R&J seeks to develop a landfill in Murray County, Georgia, on a Site adjacent to Santek's Facility and U.S. Highway 411. The Georgia Environmental Protection Division ("GEPD") has approved the Site and is ready to issue a permit to R&J to construct and develop R&J's Facility. However, before the GEPD can issue the permit to R&J, GEPD must receive a written consistency verification from Murray County that R&J's Facility is consistent with the SOLID WASTE MANAGEMENT PLAN 2000 UPDATE FOR MURRAY COUNTY AND CITIES OF CHATSWORTH AND ETON, JUNE 2001, REVISED FEBRUARY 2002 ("SWMP"). *See* OCGA § 12-8-24(g). This case arises out of Murray County's refusal to provide the consistency verification in violation of constitutional principles in its interpretation and application of the SWMP.

R&J's Facility is perfectly consistent with every factor properly considered in the SWMP itself:

> The availability of land for development of solid waste management facilities is limited by environmental factors and land use factors. The environmental factors are: floodplains, wetlands, groundwater recharge areas, municipal water supply sources, soils, and steepness of slopes. Land use factors include major highways, roads and airports; federal, state, and local public lands; urbanized and built-up areas; jurisdictional boundaries; and National Historic Sites.

> Map 4 is a composite map of all these factors combined.

SWMP, p.26 [R-1928]. It is an undisputed fact that R&J's Facility will be located on an approved location on Map 4. R&J has never argued that Murray County cannot refuse to provide the consistency verification if R&J was inconsistent with Map 4 or the factors considered in it.

R&J's Facility will only accept waste from outside of Murray County unless Murray County asks R&J to accept Murray County waste. Thus, R&J's Facility cannot and will not compete with Santek's Facility for Murray County waste unless Murray County asks R&J to do so. Nevertheless, Murray County refused to provide the consistency verification for economic reasons.

The Georgia Supreme Court accepted Murray County's argument that Murray County "interprets" the SWMP to permit only one landfill in Murray County even though the SWMP does not limit the number of landfills that can be developed in Murray County in any way shape or form.[1] Indeed, the SWMP provides an entire section on where landfills can be permitted. Thus, it is the SWMP that is at issue, not

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[1] Rather than stating that "Murray County 'interprets' the SWMP to permit only one landfill," it would be far easier to simply state that the SWMP permits only one landfill. However, the SWMP does not contain any provision that states there can only be one landfill in Murray County. *See* Appendix A.

merely Murray County's refusal to issue the consistency verification.

To be clear, R&J's first Commerce Clause claim turns on Murray County's interpretation of the SWMP, not just for R&J's Facility, but for any person seeking to develop a landfill in Murray County. Murray County interprets the SWMP to preclude all potential landfills from Murray County based upon its interpretation that Murray County can have only ONE landfill. Thus, rather than simply creating a flow control measure requiring that all waste flow to a private facility, Murray County's interpretation of the SWMP is a far more egregious violation of the Commerce Clause. Through its interpretation of the SWMP, Murray County has prohibited all other landfills from Murray County. Thus, Santek's Facility has a monopoly on all waste that is created or enters Murray County. Specifically, Murray County's interpretation of the SWMP precludes all competition inside of Murray County for waste generated inside of Murray County and for waste generated outside of Murray County. Thus, the SWMP violates long established Commerce Clause jurisprudence. *C & A Carbone v. Town of Clarkstown*, 511 U.S. 383, 114 S.Ct. 1677, 128 L.Ed.2d 399 (1994); *Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dept. of Natural Resources*, 504 U.S. 353, 112 S.Ct. 2019, 119 L.Ed.2d 139 (1992).

R&J's second Commerce Clause is based on the host fee charged by Murray County for each ton of solid waste generated outside of Murray County which is disposed at the Santek Facility. [R-1772]. There is no host fee or analogous charge for solid waste generated in Murray County which is disposed at the

Santek Facility. The host fee is discriminatory on its face and in its purpose; thus, it violates long established Commerce Clause jurisprudence. *Oregon Waste Systems, Inc. v. Department of Environmental Quality of State of Oregon*, 511 U.S. 93, 114 S.Ct. 1345, 128 L.Ed.2d 13 (1994).

LAW AND ARGUMENT

Two intervening circumstances of a substantial and controlling effect necessitate a rehearing in this matter and offer compelling reasons why the Court should grant the PETITION FOR WRIT OF CERTIORARI sought by R and J Murray, LLC ("R&J"). First, this Court's recent decision in *Department Of Revenue Of Kentucky v. Davis*, 553 U. S. ___ (2008), demands that the court grant R&J's PETITION FOR WRIT OF CERTIORARI. Second, R&J has obtained evidence demonstrating that it maintains indisputable vested rights and property interests in the Site. [Appendix B].

I. THIS COURT'S ANALYSIS IN *DEPARTMENT OF REVENUE OF KENTUCKY V. DAVIS*, 553 U. S. ___ (2008) DEMANDS THAT THE COURT GRANT R&J'S PETITION FOR WRIT OF CERTIORARI.

In *Department of Revenue of Kentucky v. Davis*, 553 U. S. ___ (2008), this Court considered whether Kentucky's differential tax scheme offended the Commerce Clause. The Court's analysis in *Davis* compels a ruling in favor of R&J on its claim that Murray County's interpretation of the SWMP violates the Commerce Clause because that interpretation discriminates against interstate commerce in two

independent ways: (1) it imposes a disposal fee solely on waste generated outside of Murray County, and (2) it grants a disposal monopoly to a private company on all waste generated inside of Murray County as well as all waste generated outside of Murray County.

A. *Department of Revenue of Kentucky v. Davis*, 553 U. S. ___ (2008) Confirms that Murray County's Interpretation of the SWMP Violates the Commerce Clause.

Throughout *Davis*, the Court analyzes *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 550 U.S. ___, 127 S.Ct. 1786 (2007). The laws at issue in *United Haulers* required haulers to bring waste to facilities owned and operated by a ***state-created public benefit corporation***. Chief Justice Roberts stated that the only "salient difference" between *Carbone* (finding a Commerce Clause violation) and *United Haulers* (finding no Commerce Clause violation) is that the facility in *Carbone* was operated by a private entity and the facility in *United Haulers* was operated by a public entity. *United Haulers*, 127 S.Ct. at 1790.

In *Davis*, Justice Souter, with whom Justices Stevens, and Breyer joined, stated:

> If instead the government had created a monopoly in favor of a private hauler, we would have struck down the law just as we did in *C & A Carbone, Inc.* v. *Clarkstown*, 511 U. S. 383 (1994).

Davis, 553 U. S. ___ (2008) (slip op., at 20).

In this case, Murray County violated the specific prohibition stated by Justice Souter in *Davis*. The Santek Facility is operated by a private entity, Santek Environmental of Georgia, L.L.C. ("Santek"), and Santek receives all of the revenue, fees, charges, assessments, and other income of the facility. [R-1771]. Thus, Murray County has created a monopoly in favor of a private landfill, and the law should be struck down as stated in *Davis*. Indeed, the "only salient difference" that was "constitutionally significant" to Chief Justice Roberts in *United Haulers* was whether the entity was private or public.

The opinions of Justices Stephens, Kennedy, and Alito in both *Davis* and *United Haulers* confirm that Murray County's interpretation of the SWMP violates the Commerce Clause because it clearly discriminates against interstate commerce and will result in economic as well as solid waste Balkanization. Under the Georgia Supreme Court's interpretation of the Commerce Clause in this case, each county and state can establish a waste monopoly for a private entity within its borders, preclude competition for waste created or brought within its borders, and impose a discriminatory host fee for all waste that crosses its borders.

Justice Scalia states in *Davis* that he will apply the negative Commerce Clause doctrine only when *stare decisis* compels him to do so. *Davis*, 553 U. S. ___ (2008) (slip op., at 36). In this case, Justice Scalia would be compelled to apply the negative Commerce Clause by the very cases cited in *Davis*. For example, *Oregon Waste Systems, Inc. v. Department of Environmental Quality of Ore.*, 511 U. S. 93, 99 (1994),

holds that the negative Commerce Clause is violated when a jurisdiction imposes a fee solely on waste generated outside of the jurisdiction that is disposed within the jurisdiction. Thus, Murray County's interpretation of the SWMP violates the negative Commerce Clause holding in *Oregon* because Murray County's interpretation of the SWMP imposes a fee solely on waste generated outside of Murray County that is disposed with Murray County.

B. R&J Did Not Waive Any of Its Commerce Clause Claims.

Murray County might attempt to argue that R&J has not raised its Commerce Clause claim concerning the host fees charged by Murray County solely on waste generated outside of Murray County. Murray County would be flat wrong.

R&J argued throughout its briefs to the Georgia Supreme Court that Murray County assessed host fees solely on waste generated outside of Murray County. Perhaps the most specific and express reference is set forth in the outline of arguments that R&J submitted to the Georgia Supreme Court:

> e. the Order erroneously allows the County to violate the Commerce Clause by increasing the costs for waste disposal services for non-County citizens because of the host fee that Santek Environmental of Georgia, LLC pays to the County in the amount of "$1.50 per ton of all Sold Waste tonnage generated outside of Murray County which is disposed of at the Landfill" pursuant to section 10.2 the

SANITARY LANDFILL OPERATION AGREEMENT;

f. the Order erroneously allows the County to violate the Commerce Clause by shifting the County's waste management costs from County citizens to non-County citizens rather than charging a fee or increasing the fees paid by County citizens as required in the County's Commerce Clause cases;...

R AND J MURRAY, LLC'S OPPOSITION TO APPELLEE'S MOTION TO STRIKE R AND J MURRAY'S SUPPLEMENTAL BRIEF OF APPELLANTS, p. 3. Thus, R&J did not waive this Commerce Clause claim or any of its other Commerce Clause claims.

C. The Georgia Supreme Court Accepted Only the One-Landfill Strategy and Only for Economic Reasons.

Murray County might attempt to argue that reversal or remand would not change the outcome of this case because of other factors. However, the other issues are irrelevant for several reasons. First, the trial court originally found that R&J's Facility was consistent with the other factors. *Murray County v. R&J Murray, LLC*, 280 Ga. 314, 315, 627 S.E.2d 574, 576 (2006). Second, when the trial court flip-flopped, the trial had to ignore the ***clear*** provisions of the SWMP to find any inconsistency. Thus, the Georgia Supreme Court avoided those other factors, and instead, examined the thorny "one-landfill strategy" with all of its attendant constitutional issues. Certainly, if the Georgia Supreme Court could have

affirmed the trial court on those other factors, it would have.

D. *Davis* and *United Haulers* Analyzed Laws that Did Not Violate Due Process by Being Vague and Ambiguous.

Murray County might attempt to make the twisted and tortured argument that the SWMP is not at issue. Ex. Opp. 16, 19-22. Specifically, Murray County might attempt to argue that its determination is at issue and that Murray County has "discretion" to ignore, alter, or add to the relevant factors considered in the SWMP.

Georgia state law, however, is clear. Nowhere do the Georgia statutes or Georgia Supreme Court give Murray County such discretion. Murray County is permitted solely to determine whether R&J's "proposed facility is consistent with the [SWMP] developed in accordance with standards promulgated pursuant to this part subject to the provisions of Code Section 12-8-31.1...." OCGA § 12-8-24(g). The Georgia Supreme Court further refined this determination:

> a local government is authorized to ***consider any relevant factor*** in determining whether a proposed facility is consistent with its SWMP that it ***properly considered in the SWMP itself***.

Murray County I [Opp. App. 4];

> "in determining whether a proposed facility is consistent with its SWMP, a local government is authorized to ***consider any relevant factor***

> that it ***appropriately considered in the SWMP itself.***"

Murray County I [Opp. App. 8]. Thus, Murray County's task was to examine the relevant factors properly considered in the SWMP itself and determine whether R&J's proposed facility was consistent with those factors.

Moreover, such an argument by Murray County would ignore the clear and incontrovertible fact that the SWMP does not contain any economic or "one-landfill" factor properly considered in the SWMP itself by which Murray County could determine that R&J's Facility is not consistent with the SWMP. The SWMP does not contain an economic factor. The SWMP does not contain a "one-landfill" factor. The County's argument that it has "discretion" to read such factors into the SWMP demonstrates that the SWMP is unconstitutionally vague and ambiguous. The SWMP is attached as Appendix A for this Court's ready reference. R&J's Facility is consistent with each and every factor stated in the SWMP.

II. R&J MAINTAINS CONTINUING PROPERTY INTERESTS AND VESTED RIGHTS IN THE SITE.

R&J has had property interests and vested rights in the Site since December 11, 2001, at the earliest, or since March 4, 2003, at the very latest. R&J continues to maintain its property interests and vested rights in the Site through two separate documents, the Assignment of Contract and the Purchase Option Agreement. Neither document has expired.

A. R&J Has Had Property Interests and Vested Rights in the Site Since December 11, 2001.

The record evidence clearly shows that Mike Ayers signed a purchase contract for the Site on December 11, 2001. [R-396-402]. That purchase contract was assigned to R&J on March 4, 2003. [R-411-416]. Moreover, each entity in R&J's chain of title for that purchase contract from December 11, 2001 through March 4, 2003, ("R&J's Chain of Title"):

(1) is related to R&J in that each was a parent or a subsidiary of the other;

(2) is related to R&J in that Mike Ayers owned a share of the entity either directly or indirectly through one of the entities in R&J's Chain of Title;

(3) is related to R&J in that each was working toward and contributing to the common goal of developing the Proposed Facility; and

(4) transferred all of its "right, title, and interest" in the property interests to the purchaser of the property interests.

AFFIDAVIT OF MIKE AYERS, ¶¶ 5&6 [R-1672-1682]; purchase contract and assignments of same [R-396-419]. Thus, R&J has had property interests and vested rights in the Site since December 11, 2001.

B. R&J Continues to Maintain Its Property Interests and Vested Rights in the Site through Two Separate Documents.

R&J retained its property interest and vested rights to develop the Proposed Landfill by retaining not only a Purchase Option Agreement for the Site on April 1, 2006, [R-1696-1699], but also by specifically and expressly retaining all of R&J's "vested rights in and to development of a landfill on the [Subject] Property" in an Assignment of Contract on April 1, 2006 [R-1695]. *See* Appendix B. Thus, R&J continues to maintain it property interests and vested rights in the Site.

C. Neither the Purchase Option Agreement nor the Assignment of Contract Have Expired.

The Purchase Option Agreement specifically and expressly states on its first page: "This Option shall terminate only at such time that [R&J] consents to its termination in writing." [R-1696]. Moreover, the parties to the Purchase Option Agreement agree that it has not expired. [Appendix B]. Thus, R&J has had property interests and vested rights in the Site since December 11, 2001, and R&J continues to maintain its property interests and vested rights in the Site.

III. CONCLUSION.

This is not a close case. Murray County's interpretation of the SWMP violates the Commerce Clause for several reasons. It creates a monopoly for a private entity within Murray County. It imposes a

discriminatory fee against waste generated outside of Murray County. It allows Murray County to engage in resource protectionism by preserving its land from landfills without any legitimate or articulated basis. It allows Murray County to veto importation of waste. It imposes a burden on commerce that is clearly excessive in relation to putative local benefits.

In addition, Murray County's interpretation of the SWMP violates due process by taking property interests based upon vague and indefinite provisions that do not provide adequate notice.

R&J's Facility is consistent with each and every factor properly considered in the SWMP itself, including all six environmental factors and all eight land use factors. Murray County has no legitimate interest in precluding R&J's Facility for economic reasons because R&J's Facility will only accept waste generated outside of Murray County, unless Murray County asks R&J to accept Murray County waste.

As this Court suggested in *Davis* and *United Haulers*, if Murray County is truly concerned about sufficient revenues for the Santek Facility, it can raise the rates for Murray County citizens. *See Davis*, slip op, at 13; *United Haulers*, 550 U.S. ___, 127 S.Ct. at 1797. In this case, the most palpable harm imposed by Murray County's interpretation of the SWMP—more expensive trash removal—is likely to fall upon the very people who CANNOT vote for the laws or leaders of Murray County. Rather, the increased costs will fall on people outside of Murray County who will be subsidizing Murray County waste disposal.

Murray County cannot do what it has done. Murray County cannot collect a fee charged solely for waste generated outside of Murray County. Murray County cannot grant a monopoly to a privately operated facility. Murray County cannot exclude all landfills from Murray County solely for economic reasons.

This 13th day of June, 2008.

Respectfully submitted by,

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CERTIFICATION

The foregoing is restricted to the grounds specified in 44.2 S. Ct. R. and it is presented in good faith and not for delay.

Robert M. Hoyland /mr

Robert M. Hoyland
Counsel of Record for Petitioner

APPENDIX

APPENDIX 1

SOLID WASTE MANAGEMENT PLAN

2000 UPDATE

FOR

MURRAY COUNTY
and cities of
CHATSWORTH and ETON

June, 2001
Revised February, 2002

Prepared By:
North Georgia Regional Development Center

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DEFINITION OF TERMS

1.	Banned Item	Items prohibited from disposal in sanitary landfills such as used motor oil, discarded batteries and scrap tires, all of which must be disposed of separately as special wastes.
2.	Commingled	Term that describes the typical mixture of household waste such as food, glass, metal, plastic, and paper wastes.
3.	Commingled Recyclables	Recyclables that are separated from the Waste stream and mixed together in a separate container or bag for future separation and sorting.
4.	Composting	The biological break down of inert materials such as grass, brush, leaves and other organic matter into a humus-like material, which, when decomposed, can be used for landfill cover, landscaping for public projects, or sold to the public.
5.	Convenience Center Concept	A waste collection/reduction system concept which utilizes manned and fenced "drop-off" centers strategically located to

		provide for convenient "drop-off" of solid waste and source separated recyclables.
6.	Curbside Collection	The collection of any type of waste by scheduled pick up at the curb or driveway of participating property owners.
7.	Enterprise Fund	A fund created for a specific purpose, such as composting or a "buy-back" center, that is self supporting from the revenue it generates.
8.	Financial Incentive Program	The use of non-cash credit for the delivery of recyclables to the "drop-off" centers, landfill invoice discounts to participating commercial haulers and landfill invoice discounts or other agreements to compensate for audited "internal waste reduction."
9.	Integrated Waste Management System	A system which incorporates a variety of potential methods for collection, disposal and reduction of solid waste that provides convenience and cost-effective service to households and businesses.

10.	Interim Hauling	The temporary hauling of waste to an operating landfill outside Murray County if necessary.
11.	Mulch	The product resulting from the reduction of selected inert wastes, mostly organic, into a landscaping cover used primarily for protecting plans from moisture loss, freezing or weed control.
12.	Privatization	Term used to describe the contracting out to private firms for public services previously performed by government, such as the collection of solid waste and/or recyclables.
13.	Recyclables	Term used to describe items that can be extracted or separated from the Waste stream and processed for delivery to end-markets. Typical items include paper, cardboard, aluminum, plastic, glass and various metals.
14.	Resource Recovery Center	A combination collection, processing and storage center for standard recyclable items as well as scrap tires, used motor oil, discarded batteries and scrap metal, including white

goods. Composting or mulching can also be done here.

15. Secondary "Drop-Off" — Manned and fenced "drop-off" centers open six days/week containing collection bins for source separated recyclables and other solid waste.

16. Solid Waste — A term which describes all types of non-liquid and nonhazardous wastes to be disposed of including, but not limited to, those wastes defined as garbage, rubbish, trash, and refuse.

17. Source Separated — Term that describes recyclable materials that are separated from each other at the source (house or business) and sorted into categories, processed and hauled to market.

18. Subtitle D — The solid, non-hazardous waste section of the Resource Conservation and Recovery Act (RCRA). Federal role is to provide minimum nationwide standards for protecting human health and the environment. Planning and implementation of solid waste management

plans remain largely state and local functions.

19. "Value of Recycling" — Term used to respond to the typical question about recycling, "What's in it for me." For purposes of this plan, the environmental value relates to the saving of valuable resources, particularly trees, as well *as* landfill space. The economic value relates to the financial incentive program which gives monetary credit to those who recycle, the reduced costs for future landfill space from reduced volumes of waste disposal at the landfill, and the long-term reduction in the costs of many consumer products when the full economic benefits of recycling as a business are realized by the manufacturing industry.

MURRAY COUNTY PROFILE

Geographic Location

Murray County, located in North Georgia, is a predominantly rural county operating 342 square miles. The County is bounded on the north by Tennessee, on the west by Whitfield County, on the east by Gilmer County and on the south by Gordon County (See Map #1). The city of Chatsworth, located

near the center of the county, is the largest city and the county seat. The city of Eton, located several miles north of Chatsworth, is a small city surrounded by industrial growth.

Growth Patterns

Existing land use patterns in Murray County reflect the industrialization of the county in recent years, with the majority of new manufacturing firms locating within a 5-mile radius of Chatsworth, particularly near Eton and the Spring Place area, located between Chatsworth and Whitfield County to the west. Most of the commercial uses in the county area are also found within this urbanizing area as well as more than half of the county's residential uses.

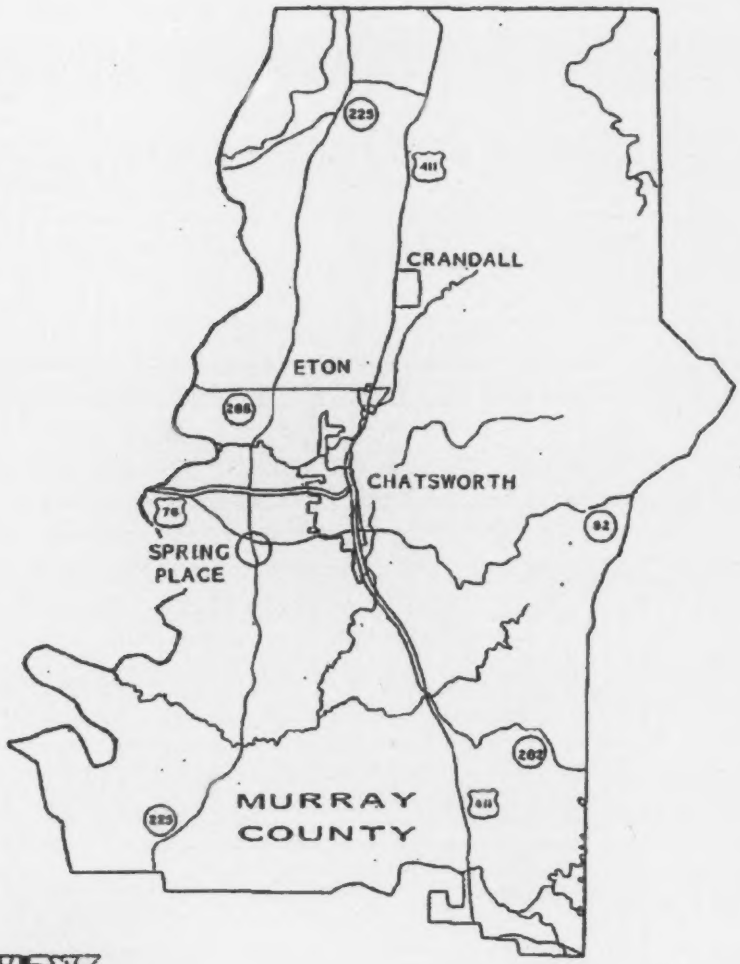
Growth Projections

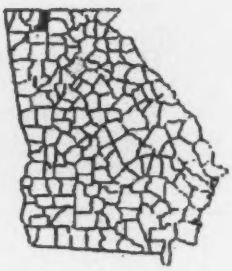
Murray County is expected to experience a significant amount of growth for the next ten years. Total population is expected to grow from 27,694 to 40,500 between 1992 and 2005, an estimated 46 percent increase and to 46,707 by 2010. Total employment is forecasted to increase from 9,804 employees in 1992 to 15,056 employees in the year 2005, an increase of approximately 54 percent and to 17,046 by 2010. It is anticipated that these growth projections will result in further residential, commercial, and industrial growth primarily within the existing growth pattern.

TABLE

[SEE FOLDOUT PAGE]

MAP I





Location Map

MURRAY
COUNTY

1. INTRODUCTION

The Murray County Solid Waste Management Plan was begun in March 1991 as part of a regional study of solid waste management needs within the six-county North Georgia Regional Development Center area. In response to the requirements of the 1990 Georgia Comprehensive Solid Waste Management Act, Murray County elected to have the North Georgia Regional Development Center staff prepare a plan which addressed the specific solid waste management needs of Murray Count while at the same time explore the possibility of sharing the costs of solid waste management with other neighboring counties, if feasible. Through membership in the North Georgia Regional Solid Waste Management Task Force, Murray County has been part of a regional effort to find the most cost effective solutions to short-term and long-term solid waste management problems. Early into the study phase, it was determined that Murray County could best meet its present and future solid waste management needs by maintaining an independent solid waste management program and that improvements to the existing solid waste management system, particularly in the category waste reduction, will enable Murray County and the cities of Chatsworth and Eton meet the goals of the 1990 Georgia Comprehensive Solid Waste Management Act.

A five-year update of the plan was due in 1998. This update was delayed, thus creating the need for this major update to extend the plan by three years.

2. WASTE STREAM ELEMENT

Quantity and Source

Based upon a two-week sample data collection in October 1991 (see a description of methodology below), it was projected that the Murray County landfill would handle an estimated 34,322 tons of waste during 1992, and that without implementing waste reduction efforts, the disposed tonnage would reach 58,080 tons by 2010. Table 1 illustrates the 13-year projection range of waste volume to be generated from Murray County residential, commercial, and industrial sources (includes waste from Chatsworth and Eton). The actual amount of waste disposed through January 1, 2005 will be dependent upon the amount of waste reduction achieved.

TABLE 1
CALCULATED WASTE
STREAM ESTIMATE (TONS)
ASSUMING ZERO-WASTE REDUCTION
VS. 25% REDUCTION

[SEE FOLDOUT PAGE]

TABLE 1B
PROJECTED 10-YEAR WASTE
STREAM ESTIMATE (TONS)
ASSUMING ZERO-WASTE REDUCTION
VS. 25% REDUCTION

[SEE FOLDOUT PAGE]

TABLE 1C
CALCULATED 25% REDUCTION SCHEDULE

[SEE FOLDOUT PAGE]

TABLE 1D
PROJECTED 25% REDUCTION SCHEDULE

[SEE FOLDOUT PAGE]

2. WASTE STREAM ELEMENT

Quantity and Source

Based upon a two-week sample data collection in October 1991 (see a description of methodology below), it was projected that the Murray County landfill would handle an estimated 34,322 tons of waste during 1992, and that without implementing waste reduction efforts, the disposed tonnage would reach 58,080 tons by 2010. Table 1 illustrates the 13-year projection range of waste volume to be generated from Murray County residential, commercial, and industrial sources (includes waste from Chatsworth and Eton). The actual amount of waste disposed through January 1, 2005 will be dependent upon the amount of waste reduction achieved.

TABLE 1
CALCULATED WASTE STREAM ESTIMATE (TONS)
ASSUMING ZERO-WASTE REDUCTION VS. 25% REDUCTION

SOURCE	1992	1993	1994	1995	1996	1997	1998	1999
Residential	9,717	9,911	10,146	10,493	10,812	11,186	11,478	11,902
Commercial	2,528	2,714	2,678	2,793	2,995	2,976	3,172	3,446
Industrial	22,078	23,037	26,308	27,183	26,007	24,466	26,045	27,940
Annual Total	34,323	35,662	39,132	40,469	39,814	38,628	40,695	43,288
Cumulative Total		69,986	109,117	149,587	189,400	228,028	268,724	312,012
Tons/Capita	1.24	1.26	1.35	1.35	1.29	1.21	1.24	1.28

TABLE 1B
PROJECTED 10-YEAR WASTE STREAM ESTIMATE (TONS)
ASSUMING ZERO-WASTE REDUCTION VS. 25% REDUCTION

SOURCE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Residential	12,248	12,624	13,004	13,394	13,803	14,210	14,611	15,046	15,464	15,900	16,388
Commercial	3,504	3,621	3,738	3,857	3,973	4,090	4,214	4,329	4,446	4,563	4,686
Industrial	28,794	29,614	30,436	31,256	32,079	32,898	33,721	34,540	35,363	36,183	37,006
Annual Total	44,546	45,859	47,178	48,507	49,855	51,198	52,546	53,915	55,273	56,646	58,080
Cumulative Total	356,558	402,717	449,595	498,103	547,957	599,156	651,701	705,617	760,891	817,536	875,615
Tons/Capita	1.27	1.27	1.27	1.27	1.27	1.26	1.26	1.26	1.25	1.25	1.24

TABLE 1C
CALCULATED 25% REDUCTION SCHEDULE

SOURCE	1992	1993	1994	1995	1996	1997	1998	1999
Residential	9,717	9,525	9,395	9,370	9,320	9,642	9,894	10,260
Commercial	2,528	2,608	2,479	2,494	2,581	2,565	2,735	2,970
Industrial	22,078	22,162	24,361	24,275	22,418	21,090	22,451	24,084
Annual Total	34,323	34,295	36,235	36,139	34,319	33,297	35,080	37,314
Cumulative Total		68,618	104,854	140,993	175,312	208,609	243,689	281,003
Cumulative Reduction Rate		4.0%	8.0%	12.0%	16.0%	16.0%	16.0%	16.0%
Average Daily Tons	94.0	94.0	99.3	99.0	94.0	91.2	96.1	102.2
Tons/Capita	1.24	1.21	1.25	1.21	1.11	1.04	1.07	1.10

TABLE 1D
PROJECTED 25% REDUCTION SCHEDULE

SOURCE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Residential	10,558	10,730	10,826	10,983	11,180	11,368	11,688	12,037	12,371	12,720	13,110
Commercial	3,021	3,078	3,112	3,163	3,218	3,272	3,371	3,463	3,557	3,650	3,749
Industrial	24,821	25,172	25,338	25,630	25,984	26,319	26,977	27,632	28,291	28,946	29,604
Annual Total	38,400	38,980	39,276	39,776	40,382	40,959	42,036	43,132	44,219	45,316	46,463
Cumulative Total	319,402	358,382	397,658	437,434	477,816	518,775	560,811	603,944	648,163	693,479	739,943
Cumulative Reduction Rate	16.0%	17.6%	20.1%	22.0%	23.5%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
Average Daily Tons	105.2	106.8	107.6	109.0	110.6	112.2	115.2	118.2	121.1	124.2	127.3
Tons/Capita	1.10	1.08	1.06	1.04	1.03	1.01	1.01	1.01	1.00	1.00	0.99

Note: To arrive at the 25% reduction numbers in the second table, it was assumed that there would be a 4% annual reduction in 1993, 1994, 1995, and 1996. After a 4 year steady state, further reductions would be realized to bring the county to the goal of 25%.

State law ask that local government reduce the amount of municipal solid waste entering landfills in the state of Georgia. While local governments are asked to track amounts of industrial waste generated and to work with industries to reduce their wastes, those wastes are not to be included in municipal solid waste reduction calculations.

Table 2 shows actual tonnages received at the landfill through 1999. Approximately 9% of the received wastes are diverted from the sanitary landfill. Comparing the net tonnages to the projected tonnages reveals the county to have achieved an average of almost 34% reduction in waste over the 1995 to 1999 time period though only 20.4% in 1999.

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TABLE 2
ACTUAL WASTE TONNAGES
THROUGH LANDFILL

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TABLE 2
ACTUAL WASTE TONNAGES THROUGH LANDFILL

Source	1992	1993	1994	1995	1996	1997	1998	1999
Total Received	35,560	34,256	37,867	36,525	33,752	35,414	34,687	40,899
Municipal	13,482	11,219	11,559	9,342	7,745	10,948	8,642	12,959
Recycled	0	0	90	196	335	500	662	738
Inert	0	0	0	394	617	518	1,899	2,809
Net to Sanitary Landfill	35,560	34,256	37,777	35,935	32,800	34,396	32,126	37,352
Municipal	13,482	11,219	11,469	8,752	6,793	9,930	6,081	9,412
Cumulative Total		69,816	107,593	143,528	176,328	210,724	242,850	280,202
Calculated Municipal Reduction		11.1%	10.6%	31.2%	46.3%	26.2%	45.5%	20.4%

Import/Export of Existing Waste

Murray County levies a tipping fee of $30.50 per ton at the present time for all waste that is delivered by commercial haulers. Waste delivered by individual residents is not charged a fee up to ten bags per trip. Waste is not knowingly accepted from non-residents. Since the inception of the tipping fee in February, 1993, there has been no importation of waste from surrounding counties. There is no known export of waste to surrounding counties.

Historical Waste Stream Composition

The composition of the Murray County Waste stream was also characterized from the two-week sample, but was applied to the base year July 1, 1992. Waste composition comparisons were made by visually identifying the contents of each vehicle load and recording each item by category, such as metal versus plastic, as a percentage of the total load. Table 2 illustrates the characterization of the Murray County Waste stream for the year 1991. This table shows the estimated percentage of 12 categories of waste from residential, commercial, and industrial sources. The segregation of these sources was important in order to identify which types of waste could be reduced significantly and economically and from which source. The results from this analysis provide the "rationale" for selecting certain waste categories as target wastes to be recycled in Murray County. See Element 4 (Waste Reduction) for further discussion.

Food wastes rated high this sample because of the many poultry raising farms in Murray county bringing in their dead birds. Dead birds are no longer accepted at the landfill. Most are now composted on the producing farm. Dead birds from large operations were apparently counted as commercial.

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TABLE 3
ESTIMATED COMPOSITION
COMPARISON BY PERCENTAGE
MURRAY COUNTY 1991

[SEE FOLDOUT PAGE]

TABLE 3a
ADJUSTED COMPOSITION
COMPARISON BY PERCENTAGE
MURRAY COUNTY 1991

[SEE FOLDOUT PAGE]

TABLE 3
ESTIMATED COMPOSITION COMPARISON BY PERCENTAGE
MURRAY COUNTY 1991

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	PERCENTAGE OF TOTAL VOLUME
Food Waste	65.0	45.6	2.0	23.0
Paper and Cardboard	2.5	3.0	41.0	27.2
Glass	0.0	0.2	0.0	0.0
White Goods	0.2	3.2	0.0	0.3
Metals	0.7	0.9	0.2	0.4
Plastics	0.6	14.0	1.5	2.2
Carpet Waste	2.8	1.1	40.0	26.6
Other Industrial	0.1	0.0	0.4	0.3
Rubber Tires	0.5	2.9	0.1	0.4
Yard Waste	11.6	0.0	2.9	5.1
Sludge	0.4	28.6	0.4	2.5
Miscellaneous	15.4	0.5	11.5	11.8
Sum Total	100.0	100.0	100.0	100.0

Note: Sample includes 11-day sample of Waste stream in Murray county during October 1991.

TABLE 3a
ADJUSTED COMPOSITION COMPARISON BY PERCENTAGE
MURRAY COUNTY 1991

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	PERCENTAGE OF TOTAL VOLUME
Food Waste	15.3	9.2	2.0	6.3
Paper and Cardboard	22.5	5.3	41.0	33.1
Glass	2.3	0.4	0.0	0.7
White Goods	0.5	5.3	0.0	0.5
Metals	5.0	1.6	0.2	1.7
Plastics	5.7	23.5	1.5	4.3
Carpet Waste	7.1	1.8	40.0	27.9
Other Industrial	0.3	0.0	0.4	0.3
Rubber Tires	5.5	4.9	0.1	2.0
Yard Waste	34.9	0.1	2.9	11.8
Sludge	1.0	47.8	0.4	4.1
Miscellaneous	0.0	0.0	11.5	7.4
Sum Total	100.0	100.0	100.0	100.0

Note: Based on Table 3 and national characterization of municipal solid waste from EPA. Table 3 food waste was reduced to more reasonable levels if dead poultry is removed and miscellaneous residential and commercial is distributed.

Projected Waste Stream Composition

It is difficult to project the source and composition of solid waste generated in the future. For the most part, it will be determined by the nature of the local economy in the future. In 1992, approximately 65 percent of Murray's waste was generated by the industrial sector, which was comprised primarily of carpet manufacturing. In 1992, 6,305 persons were employed in the manufacturing sector. By 1999, employment in this sector increased to 7,979. Long range projections indicate that industry will continue to expand in the county and remain the predominant source of waste generation.

Future composition of the Waste stream will be determined to some extent by achievement of the reduction percentages for target wastes.. Successful reduction of the target wastes will significantly change the composition of the waste stream deposited at the landfill. Monitoring and recording the amount of the target wastes that are diverted from the county landfill will provide a continuing accounting of actual reduction amounts and allow for adjustments in reduction methods and/or target waste priorities.

Methodology

The methodology of this study is based upon the data collected at each landfill site during a two-week survey period in late October 1991 during which each county landfill site was manned by a landfill employee specifically trained and placed at the landfill scales to record the amount of waste by weight in tons of each load of waste, by source, entering the landfill site. The

composition of waste was also recorded at the scales through observation of each load and assignment of a percentage of the load volume, by source, to 12 waste categories. Both of these waste volume counts, one by weight in tons and the other by visual observation in percentages, serve as "typical sample" base data upon which the numerical assumptions, calculations and projections were made.

The projected 13-year Waste stream estimate was developed by assigning the "typical sample" to the base year January 1, 1992 and annualizing it through December 31, 1992. The "typical sample" was also assigned to the base year July 1, 1992 for purposes of estimating waste composition by category and establishing a per capita waste amount by weight for purposes of projecting per capita waste reduction rates. The combined utilization of the "sample data" provides the necessary information to comply with the state minimum planning standards and procedures for solid waste management.

Projection Assumptions

County population and employment projections were used to forecast residential waste generation trends separately from commercial and industrial waste generation. This approach was used because the region has experienced considerable commercial and industrial growth in the past decade. Therefore, it was concluded that commercial and industrial sources would contribute a relatively higher percentage amount to the total waste stream in the future than residential sources.

The study methodology is based upon the following assumptions:

1. Waste amounts are measured in pounds per load converted to tons.

2. Waste composition estimates from visual observation represent waste volume percentages per load not waste amount in tons.

3. Typical sample means a sample of 11 consecutive full days excluding Sundays.

4. Residential source means waste generated by household only.

5 Commercial source means waste generated by non-manufacturing businesses, such as wholesale, retail and service businesses.

6. Industrial source means waste generated by manufacturing businesses which involve either assembly, fabrication, or processing operations.

7. Zero reduction means no measurable reduction in the Waste stream.

8. Twenty-five percent reduction means the gradual reduction of total waste disposal per capita by 25% between the original base year July 1, 1992 and July 1, 1996.

9. All commercial and industrial sources are projected on a per employee basis to obtain more accuracy in the ten year projection of waste amounts.

10. All waste reduction measurements and projections will be based upon initial per capita waste estimates applied to the new base year July 1, 1992.

11. All County demographics include the cities of Chatsworth and Eton.

3. COLLECTION ELEMENT

Existing Collection System

Murray County maintains four manned and fenced collection centers throughout the county, which are available for residential waste only. (See following map.) Drop off of waste at these centers is free. Three of the sites have compactor containers, while the fourth site has two 50 cubic yard open top containers. The county utilizes a 1996 roll-off collection vehicle to transfer waste from each site to the landfill at least twice each week depending upon demand. In 1999, the cost for all collection operations was $146,159. Waste generated by businesses and industries are collected and transferred to the landfill by the businesses themselves or via subscription contracts with commercial waste collection services. With routine maintenance all equipment is expected to last beyond 2005.

Starting in 2000 the City of Chatsworth began collecting residential waste using 95 gallon containers once a week. Commercial waste from businesses located in the city is collected 5 days a week if their needs can be met with the same containers used for residential service. If service is not sufficient, business must contract with commercial haulers independently. Residential service is free. Commercial service fees depend on the number of containers used by the business. The City anticipates about $36,000 in revenue from this service. Collection has been budgeted operating costs of $202,452 plus $69,500 tipping fee to the county for disposal. Replacement waste containers are the responsibility of residents and businesses. The two vehicles lease purchased as part of this service should last well beyond 2005. The service area is the city limits. Chatsworth has a population of 3,531 according to the 2000 Census.

The City of Chatsworth also collects residential yard waste on a request basis using the street department's equipment consisting of a dump truck, front end loader and leaf vacuum machine. The city hauls this waste to a number of sites including the County landfill at the annual cost of $30,759 in 1999. This cost includes operations and an annualized capital cost for use of the street department's equipment. Chatsworth has an area of 18.1 square miles.

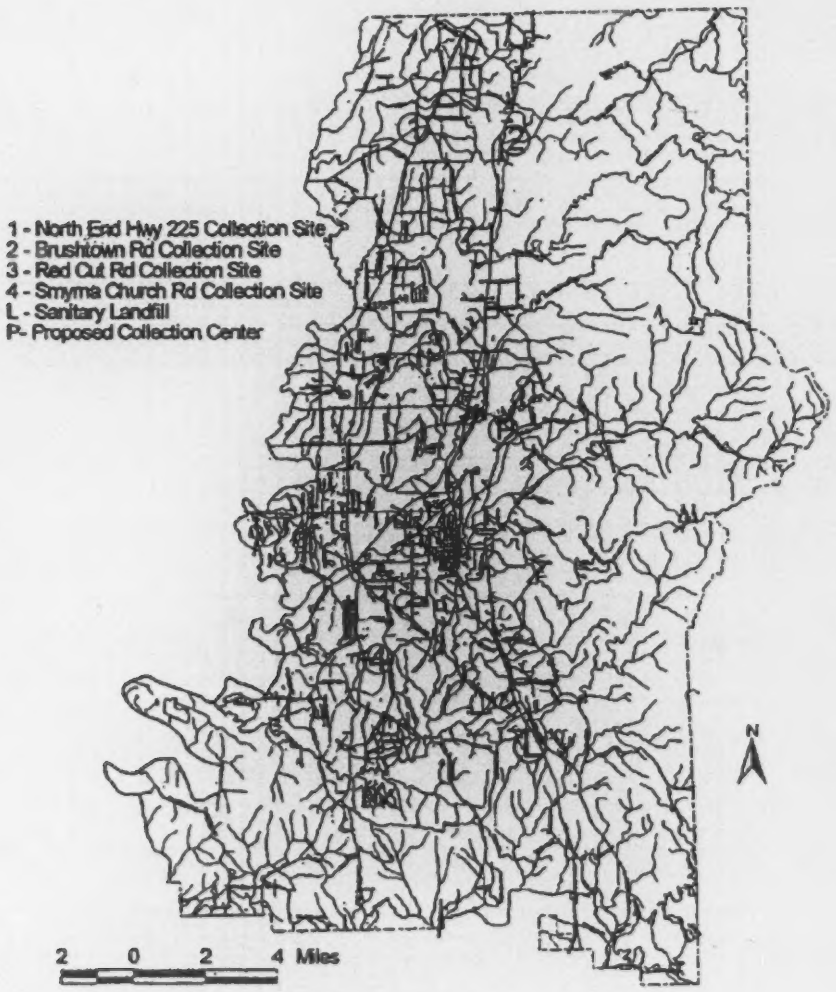
The City of Eton collects both residential and commercial wastes within the city with a city street department vehicle one day per week at a cost of approximately $6400 per year to the general fund. The city utilizes a part-time driver and volunteer help.

Eton has a population of about 319 and an area of 1.7 square miles.

Goals and Needs

The goal for Murray County and the Cities of Chatsworth and Eton is to ensure the efficient and effective collection of solid waste within each government for the planning period. Since the county is projected to have considerable more population and business development in the future, it may need to consider additional collection capacity at each of the drop-off sites, additional sites and/or collection from the existing sites on a more frequent basis.

Murray County Solid Waste Collection Sites


1 - North End Hwy 225 Collection Site
2 - Brushtown Rd Collection Site
3 - Red Cut Rd Collection Site
4 - Smyrna Church Rd Collection Site
L - Sanitary Landfill
P- Proposed Collection Center
N
2 0 2 4 Miles

A product of the North Georgia Regional Development Center's Geographic Information System.
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Proposed Waste Collection System

Murray County proposes to improve the existing collection system by adding a fifth collection site on Old CCC Camp Road in 2001 at an estimated cost of $14,000. With the rapid growth of the county, an additional site may be needed especially in the southwestern part of the county within 5 years. Some thought has been given to collecting fees at the dropoff sites. The increased security risks from money handling, small amount of income generated and probability of increased littering are currently judged to outweigh the benefits.

The City of Chatsworth has found its new collection system satisfactory and plans to continue it for the foreseeable future. The City will also continue to collect residential yard waste on a request basis using a city vehicle. It is recommended that the city set up recycling bins at strategic locations around the city.

The City of Eton proposes to continue both residential and commercial waste collection on a once-a-week basis utilizing a city vehicle, one part-time driver and volunteer help.

Three private haulers service Murray County. Mitchell's Disposal serves approximately 2000 residential and commercial customers throughout the county. Super Garbage Service serves residential customers in the Spring Place area and southward and commercial customers throughout the county with a total of about 150 customers. Foster's Disposal serves approximately 40 primarily residential customers in the central part of the county.

Projected Costs

Current annual (1999) operating costs for the county collection system are $146,159. These costs are projected to increase slightly per year due to inflation as well as on the assumption that the hauling of waste containers by the county will eventually increase as demand warrants. If the county should install a collection fee system involving scales at each drop-off site, the one time expenditure will be approximately $30,000 ($7,500 per site).

Projected costs for the Chatsworth and Eton collection systems are projected to remain essentially the same (adjusted for inflation) for the next ten years.

TABLE 4
PROJECTED WASTE COLLECTION OPERATIONS COSTS

[SEE FOLDOUT PAGE]

Proposed Waste Collection System

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TABLE 4
PROJECTED WASTE COLLECTION OPERATIONS COSTS

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Murray County	$228,336	$85,572	$100,009	$344,244	$492,008	$523,097	$517,732	$146,159	$150,000	$171,500	$165,375	$173,644	$182,326	$191,442
Chatsworth	$243,021	$238,809	$266,811	$238,352	$234,796	$297,559	$332,790	$296,967	$390,739	$210,000	$220,500	$231,525	$243,101	$255,256
Eton	$7,900	$0	$7,600	$12,835	$14,277	$5,519	$5,435	$4,983	$5,000	$5,250	$5,513	$5,788	$6,078	$6,381
	$479,257	$324,381	$374,420	$595,431	$731,081	$826,175	$855,957	$448,109	$545,739	$386,750	$391,388	$410,957	$431,505	$453,079

Notes: Cost figures for 1992 through 1999 are actual according to Full Cost Reports sent to the Georgia Department of Community Affairs; cost projections for 2000 through 2005 are based upon a 5 percent annual inflation factor assigned to the 1999 base figure. Costs connected with the relocation of one dropoff site are included in 2000 County costs. Costs for the addition of a site are included in 2001. Capital cost for implementation of own collection system included in Chatsworth 2000. In 1995 the county implemented the manned drop-off centers, which added personnel to the collections operations.

4. WASTE REDUCTION

Source Reduction and Reuse

Source reduction is the most practical first step to reduce the amount of waste requiring disposal. Although quantitative data is not available, it is well known that local industries are constantly determining ways to reduce and reuse waste that is generated. The predominant industry in Murray County is the carpet manufacturing industry. Considering that tipping fees are currently $30.50 per ton, it makes economic sense for industry to reduce waste wherever practical. For example, several large carpet manufacturers have installed equipment to reduce the amount of trimmings from manufactured carpet by 50 percent. Many manufacturers are also reusing textile scraps in a variety of products. Carpet scraps are often backed and sold as bath mats and throw rugs. Other carpet wastes are ground up and used for material for sound proofing or padding underneath car upholstery.

Source reduction is also practical at the residence by way of composting and by separating recyclables from the waste stream. Again, there is little quantitative data available as to the extent that this occurs in Murray County except through the recycling programs operated by local governments. These programs encourage source separation. No composting is done by local governments.

Existing Programs and Facilities

There are few known recycling efforts currently underway in Murray County. The landfill maintains

containers for collection of old batteries, used oil, tires and scrap metal which are recycled. White goods (appliances) are also accepted. These facilities are available to the public during operating hours of the landfill. Except for tires, the public does not pay or receive payment for delivery of recyclables. In 1999, 738 tons of recyclables were collected, mostly scrap metal. Once collected, recyclable materials go to the following places:

Tires - BFI of Jackson, GA provides a trailer at the landfill and picks up tires on an as needed basis.

Scrap Metal and White Goods - Philips Metals of Chattanooga, TN picks up the materials and transports to scrap metal processors in the Atlanta, GA area.

Batteries - are stored in a storage shed at the landfill and picked up the Judd Clayton of Tunnel Hill on an as needed basis, and recycled at their facilities.

Oil - McClean Fuels of Birmingham, AL collects oil and oil filters from containers placed at the landfill. Holston pumps oil from the tanks into their own truck. They refine the waste oil for use in a mixture with other types of heating oil.

In addition to the above materials, 2,809 tons of brush and yard wastes were also diverted from the sanitary landfill and disposed of in a separate area of the landfill site. While this does not count as recycling, it does reduce the county's disposal cost.

The local Historical Society collected several hundred pounds of newsprint annually until the price dropped to make the project infeasible.

There are a number of privately operated recycling companies that are located in the Murray/Whitfield County area which provide services to business and industry located in Murray County. The following table lists those firms that are known to provide recycling collection services along with an estimate of tonnage of waste that was recycled from the Waste stream in Murray County. These are only estimates which have been provided by the recycling companies.

Table 5
Private Recycling Industries that Recycle Waste Generated in Murray County, Georgia

Company/Type of Waste	Weight per Month Recycled	Hours of Operation
Columbia Recycling 714 Chattanooga Avenue Dalton, GA 30720 (706) 278-4701 Textile Waste	400 tons	M-F: 8 a.m. - 5 p.m.
P&G Industries 911 Fifth Avenue Dalton, GA 30721 (706) 278-3358 Textile Waste	2 tons	M-F: 8 a.m. - 5 p.m.

Star Recycling 145 Phelps Rd Dalton, GA 30720 (706) 259-8591 Paper	800-900 tons	M-F: 7 a.m. - 4:30 p.m.
Cycletex 111 W Westcott Dalton, GA 30720 (706) 226-1116 Plastics	200-300 tons	M-F: 8 a.m. - 5 p.m.

The firms in Table 5 generally serve Whitfield and Murray Counties. About 20 percent of the above recycling can be attributed to Murray County. It is roughly estimated that about 7 percent of the waste generated in Murray County is recycled by these private firms.

Goals and Needs

The goal for Murray County and the Cities of Chatsworth and Eton is to reduce the amount of waste received at the landfill by at least 25 percent per capita over the remaining 5 years of this plan or about 13 percent beyond what current (2000) reduction efforts have achieved. To attain this goal, the county and the cities must expand public and private waste reduction programs for both households and businesses which target wastes that can be diverted from disposal at the landfill to recycling markets.

A large portion of the waste generated in Murray County is from the carpet and related industries and, despite current public and private efforts, significant

amounts of recyclable materials from business and industry still enter the landfill. Therefore, reduction and recycling programs geared toward the industrial sector have a greater potential to reduce additional amounts of waste. With assistance from the public sector via education and technical assistance, companies may be able to do more to reduce the amount of industrial waste going into the landfill.

It is difficult to estimate the amount of waste currently being reduced from the residential sector since there currently are not any organized programs to facilitate waste reduction or recycling for individual households. However, if local governments are to achieve additional reduction in waste deposited at the landfill, efforts will need to be made to implement programs that will encourage individual households to separate recyclable materials from the waste stream. For residents located in the unincorporated area, recycling material containers for aluminum, glass, paper, and plastics, etc. should be installed at each of the drop-off sites. To facilitate the separation and collection of recyclable materials in the City of Chatsworth, it is recommended that the city investigate the placement of recycling containers in several shopping centers.

The county is currently receiving and depositing yard trimmings and brush at the landfill in an area with an estimated 30 years or more before it is filled. This area is not suitable for a subtitle D operation. Mulching is expensive and not recommended at this time unless desired as a service to the citizens of the county. If diverted volumes continue to increase dramatically, mulching should be reinvestigated.

Existing needs include the establishment of an educational campaign which focuses on reducing target wastes and the conversion of the existing "manned and fenced" dumpster sites to secondary "drop-off' centers.

Proposed Waste Reduction System

The proposed waste reduction system for Murray County and the cities therein is based upon the "convenience center" concept, designed around a central "processing center" called a Resource Recovery Center which will be located at the existing landfill site. The Resource Recovery Center will be designed to receive "source separated" recyclable materials as well as typical "banned items" such as discarded batteries and used motor oil. Separated recyclable materials will be dropped off and processed for on-site storage and eventual delivery to the market.

In addition to the centrally located Resource Recovery Center, five additional secondary "drop-off" centers will be employed to economically and conveniently accept separated recyclables and other acceptable waste. All five secondary centers will be integrated into the existing and proposed manned and fenced collection centers. All recyclables and other acceptable waste will be delivered to the Resource Recovery Center for Processing.

Another method the county can use to extend the life of the land fill is to start baling wastes. Baling is not considered waste reduction and in most instances does not do much to reduce waste volume. Since carpet is a large portion of the total volume placed in the Murray

landfill, considerable savings can be achieved through baling. It is estimated that a cubic yard of waste in the landfill weighs about 800 pounds. With the use of a baler, that same cubic yard could contain 1200 or more pounds. Some compaction is achieved through the weight on the next lift. The compactor used as part of the normal processing has no affect on carpet waste which spring back immediately. Baling all waste should increase the effective capacity of the landfill by about 30 percent.

Projected Costs

The proposed waste reduction system for Murray County will require a capital outlay of approximately $155,500 (Table 5). This is a one time cost to pay for seven recycle trailers at approximately $6,500 each. These 12.5 cubic yard trailers have 4 bins for separation of recyclables. One would be stationed at each convenience center and one at the landfill. The spare trailer would be hauled by pickup truck to replace a full unit at one of the sites. The extra $10,000 would pay for either used trailers or to construct holding cells at the landfill to collect the larger volumes to make pickup or delivery of the recylables economically feasible. An arrangement could possibly be worked out with Gordon County to transfer the collected items to their recycling processing center.

A baler would cost about $100,000. The baler would largely replace the need for a compactor which costs $369,000 and greatly extend the life of the dozer which would only be needed about two hours a day for covering the days wastes rather than ten hours a day.

TABLE 6
MURRAY COUNTY
FIVE YEAR FORECAST 2001-2005
TOTAL PROJECTED WASTE
REDUCTION SYSTEM COSTS
CAPITAL AND ANNUAL OPERATING COSTS

[SEE FOLDOUT PAGE]

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MURRAY COUNTY
FIVE YEAR FORECAST 2001-2005
TOTAL PROJECTED WASTE REDUCTION SYSTEM COSTS
CAPITAL AND ANNUAL OPERATING COSTS

COST ITEM	2001	2002	2003	2004	2005
MAXIMUM CAPITAL COSTS					
Expand Five "Drop-off" Centers and Landfill to Receive Recyclables	55,000				
Purchase Baler		100,000			
TOTAL MAXIMUM CAPITAL COSTS	55,000	100,000			
MAXIMUM OPERATING COSTS					
Recycling Centers/Collection Center	25,000	26,250	27,563	28,941	30,388
Net of baler operation over operation of compactor		21,000	22,050	23,153	24,310
TOTAL MAXIMUM OPERATING COSTS	25,000	47,250	49,613	53,094	54,698
HAULING COSTS ** OF RECYCLABLES TO MARKETS	5,234	9,980	14,958	19,518	20,170

Note: Operating costs are adjusted for an inflationary factor of five percent annually.
* To be developed on existing landfill site.
** Assumes a $2/ton net cost to haul collected recyclables to processing markets. Actual net costs may be more or less depending on prices received for various recycled materials and any charges the county may levy for certain materials such as tires.

Action Program

The Action Program is the implementation tool designed to provide specific guidance to implement the waste reduction strategy. The Action Program is based upon the following four basic methods of waste reduction.

ILLUSTRATION 1

[SEE FOLDOUT PAGE]

Action Program

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ILLUSTRATION 1

REDUCTION METHOD	ACTION PROGRAM	FACILITATOR
Recycling The process by which marketable solid waste materials are collected, separated, sorted and prepared for delivery to appropriate raw material markets. Examples: Paper, glass, metal, plastic and aluminum items, white goods and rubber tires.	County construct the proposed waste reduction system, hire and train necessary personnel, contract with a private hauler, if necessary, and immediately appoint members to a Citizen Advisory Committee to educate the public about recycling.	County Commissioner
Resource Recovery The process by which materials and/or energy are extracted from the Waste stream for conversion to a useable product rather than be disposed of in the landfill. Examples: composting, recovering, commingled waste for recycling.	County purchase and install "mulching" equipment at the proposed Resource Recovery Center, hire and train accessary personnel, and immediately appoint members to a Citizens Advisory Committee to educate the public about the disposal of yard waste.	County Commissioner
Reuse The "choice" by individuals and groups, public and private, to reuse items and materials in their current form rather than be disposed of or recycled. Examples: Donate old clothing to charity or thrift shop, conduct yard sales to dispose of discardable items.	County appoint members to a Citizens Advisory Committee who will evaluate the feasibility of establishing a "buy back center," encourage the donation of reusable items to charity, and promote joint yard sales and flea markets on a scheduled basis.	Citizens Advisory Committee
Reduction at Source The deliberate action by individuals and groups, public and private, to make consumer choices to reduce waste at time of purchase. Example: Eliminate non-essential paper products from household use (paper towels, paper plates).	County appoint members to a Citizens Advisory Committee who will, with the aid of state and national organizations, change consumer buying habits from convenience habits to REDUCTION habits.	Citizens Advisory Committee

1921

TABLE 7
CONVENIENCE CENTER CONCEPT

Components	Maximum Price
Recycling Collection Trailer 12.5 CY (4 compartments) (paper, plastics, aluminum, glass) (7 units)	$ 45,000
Recycling Trailers or Constructed Bins	10,000
Baling Equipment	100,000
	$155,000

The four action programs above include all the possible ways that waste reduction can be achieved in Murray County. It should be noted that recycling and resource recovery (including mulching and composting) are generally the most effective waste reduction methods and should be managed directly by the county or its agents. The methods of reuse and reduction-at-source can be initiated by the Murray County Citizens Advisory Committee through promotion and education programs.

Target Wastes

Murray County has established the following lists of "target wastes" to be reduced by the projected percentage amounts as indicated. It is anticipated that the achievement of the percentage reduction rate in all target waste categories will result in at almost a 37

percent per capita reduction in the Waste stream by July 1, 2005.

ILLUSTRATION 2
PROJECTED TARGET WASTE REDUCTIONS
2001 – 2005

[SEE FOLDOUT PAGE]

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CONVENIENCE CENTER CONCEPT

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ILLUSTRATION 2
PROJECTED TARGET WASTE REDUCTIONS
2001 - 2005

RESIDENTIAL TARGET WASTES	REDUCED BY 2005
1. Plastics	50%
2. Paper/Newspaper	50%
3. Glass	25%

Note: Percentages to be confined to Residential Target Wastes only.

COMMERCIAL TARGET WASTES	REDUCED BY 2005
1. Cardboard	50%
2. Plastics	50%
3. Glass	25%

Note: Percentages to be confined to Commercial Target Wastes only.

INDUSTRIAL TARGET WASTES	REDUCED BY 2005
1. Paper and cardboard	50%
2. Carpet waste	10%
3. Glass	25%
4. Plastics	25%

Note: Percentages to be confined to Industrial Target Wastes only.

Table 8 outlines Murray County expectations for achieving the state goal for 25 percent reduction in municipal solid waste. Murray County may have already achieved more than is necessary based on the average tonnages disposed during the 1996 to 1999 period. However, using the worst case of only a 20.4% reduction for 1999, and expecting that some target goals will not be met, the county projects the reductions outlined in the table.

TABLE 8
MURRAY COUNTY
PROJECTED MUNICIPAL
WASTE REDUCTION AMOUNTS
2001 TO 2005

[SEE FOLDOUT PAGE]

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TABLE 8
MURRAY COUNTY
PROJECTED MUNICIPAL WASTE REDUCTION AMOUNTS
2001 TO 2005

	2001	2002	2003	2004	2005
Total Annual Tons No Reduction Program	45,859	47,178	48,507	49,855	51,198
Municipal	16,245	16,742	17,252	17,776	18,300
Estimated Population	35,978	37,062	38,174	39,334	40,500
Annual Tons Per Capita Without Reduction Program	0.45	0.45	0.45	0.45	0.45
Proposed Annual Reduction Rate	21%	22%	23%	24%	25%
Annual Tons Per Capita With Reduction Program	0.36	0.35	0.35	0.34	0.34
Annual Tons Reduced	3,411	3,683	3,968	4,266	4,575

Note: Projected annual population figures based upon population estimates as of July of each year.

5. DISPOSAL

Existing Disposal Practices

Facilities

Murray County owns approximately 166 acres off Highway 411 south, which provide two separate dump sites at the same location. One dumpsite, a sanitary landfill, accepts all garbage except hazardous or toxic waste. The other landfill accepts only inert materials (yard trimmings, brush, etc. Special disposal items (white goods, tires, and batteries) are separated and handled as described under waste reduction. The landfill site operates Monday through Saturday 7 a.m. to 5 p.m.. Eight full-time employees, including the landfill supervisor, and two part-time employees work at the site. Equipment at the landfill consists of a dozer, a crawler backhoe, a compactor, and earth moving pan. The annualized replacement costs of this equipment is estimated to be approximately $100,000 per year. The landfill operating budget for 1991 was $172,371. The landfill operating cost for 1999 was $1,232,331 which included for $611,371 for expansion. An on-site scale was built in 1993.

Environmental Controls

The Murray County Municipal Landfill has the following environmental controls:

29 groundwater quality monitoring wells
6 methane monitoring wells
19 methane monitoring points

3 surface water monitoring stations to monitor offsite leachate migration

Capacity

The Murray County Waste stream was projected over a ten year period from 1992 through 2002. In addition, the remaining capacity at the county landfill was estimated as of June 1, 1993 by the consulting firm of Moreland Altobelli Associates. Based on these assessments, it was concluded that with minor improvements including the possibility of vertical expansions, the existing landfill cell operations have sufficient capacity through 1998. This cell was closed in 1998. The new cell of 6 acres later expanded to just over 7 acres has a projected available capacity through June 2002. Phase II and III expansions of the current site should extend the life of the site beyond 2030.

Goals and Needs

The goal for Murray County and the cities therein is to be assured of solid waste disposal capacity for at least through the year 2005 as required by the State Solid Waste Management Act. Secondly, the goal is to provide this disposal capacity in a cost effective manner that addresses both short term and long term needs of the county. Because of the large investment the county already has in the landfill, the remaining capacity of the site, and the closure and monitoring costs that will remain the same regardless of continued operation or closure only one alternative or option was evaluated. This option assumes building additional Subtitle D cells at the present landfill site and continue operation locally.

Disposal Strategy

Murray County and the cities of Chatsworth and Eton propose to achieve their disposal capacity requirement by continuing to use the existing landfill site through 2030. In addition, the county closed its old sanitary landfill cell that preceded Subtitle D requirements in 1998 and began operating a Subtitle D landfill in a seven acre cell at the present landfill site. This seven acre site will provide Murray County, Chatsworth and Eton with disposal capacity for the five years from 1998 through 2002 or possibly into 2003 with the use of a baler. Additional land area of approximately 50-75 acres remains at the landfill after construction of the new cell. Further development of additional cells at the Subtitle D landfill (2002 and beyond) in the remaining site area would provide more than 20 years disposal capacity for the County and municipalities.

Projected Costs

Continued operation of the existing Subtitle D landfill cell through 2002 will require operating expenses of $564,000 per year plus an additional $20,000 for monitoring for a total of $584,000 per year increased by adjustments for inflation.

Development of an additional Subtitle D cell at the present landfill site will cost approximately $1,750,000 depending on size. Engineering on this phase has not begun. Operations at the new facility are projected to be about the same as in the current cell except for inflation adjustments. Purchase and operation of a baler to extend the life of the landfill was discussed in the section on waste reduction.

6. LAND LIMITATIONS

Land Use Considerations

Murray County adopted a land use plan in 1995. As of the end of 2000, Murray County had no zoning ordinance by which a new landfill site could be restricted. Given the remaining capacity at the existing landfill, it is not expected that any new landfill search will be started before at least 2020.

Site Selection Considerations

The following items must be considered in determining the location of any solid waste management facility within Murray County.

- **Historic Resources**

  The most recent inventory of historic sites within Murray County has identified 221 sites of historic significance. These historic resources will be considered in the evaluation of all potential sites for solid waste handling facilities. The staff preservation planner of the North Georgia Regional Development Center will perform preliminary review of all site selection efforts in order to expedite the review of sites under consideration for selection. It should be noted that state preservation laws prohibits the siting of a solid waste management facility within 3.3 miles of a national historic site.

- **Access**

  Ground access to and from Murray County is by highway and railroad. State highways 411 and 52 traverse Murray County and provide access to nearby Dalton, 1-75 and small communities surrounding Murray County. The CSX rail line is operational through Murray County and connects Atlanta with points north. This rail line is considered a feasible alternative mode of transport for solid waste.

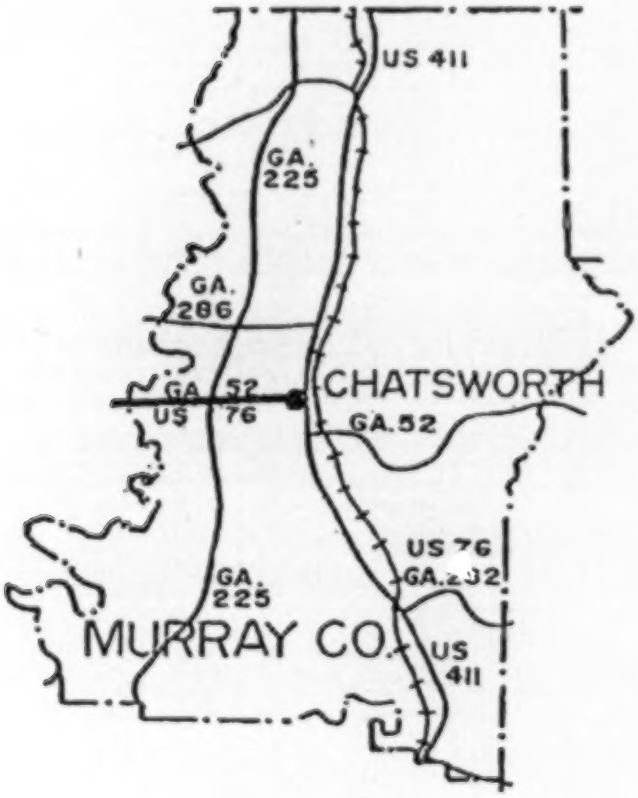
  The economic feasibility of rail transport will be highly dependent upon waste volumes to be hauled by rail.

- **Airports**

  As indicated on Map 3, there are no airports located in Murray County. State law requires however, that in the future no landfill be located within typical runway length requirements of an airport, ie., 2,500 feet for non-jet airports and 5,000 feet for airports which can accommodate jet aircraft.

MAP 3

ACCESS CORRIDORS



Site Suitability

The availability of land for development of solid waste management facilities is limited by environmental factors and land use factors. The environmental factors are: floodplains, wetlands, groundwater recharge areas, municipal water supply sources, soils, and steepness of slopes. Land use factors include major highways, roads and airports; federal, state, and local public lands; urbanized and built-up areas; jurisdictional boundaries; and National Historic Sites.

Map 4 is a composite map of all these factors combined. Therefore, all the shaded areas on the map represent land areas that are considered geotechnically poorly suited for a sanitary landfill by the Georgia Geologic Survey, Georgia Department of Natural Resources.

A study of Map 4 indicates that approximately 60 percent of Murray County is unsuitable for the development of a sanitary landfill. Most of the suitable land is found in the southern portion of the county.

AREAS IN BLACK ARE CONSIDERED GEOTECHNICALLY POORLY SUITED FOR A SANITARY LANDFILL

This map depicts areas that the Georgia Environmental Protection Division, Georgia Department of Natural Resources, considers geotechnically poorly suited for the construction and/or operation of a sanitary landfill.

Actual size investigations, meeting rules for solid waste management, are required before any letter of site acceptibility can be issued. This map is intended to help applicants focus site selection activities on areas where the prospectus for successful siting are better.

Source: The Georgia Department of Natural Resources and the United States Geological Survey, 1990 A digital data product of Growth Strategies Legislation Provisional Data subject to revision.

7. EDUCATIONAL INVOLVEMENT

Existing Educational Programs

The Chatsworth-Murray County Chamber of Commerce sponsors a clean-up campaign one day in April each year. The volunteers collect roadside trash in downtown Chatsworth.

Goals and Needs

The major goal and need for Murray County and the cities therein concerning education and public involvement is to develop a comprehensive awareness of solid waste issues. In addition to producing and distributing written information about county solid waste management programs, public information meetings, public forums, and media cooperation should be employed to exhaust all possibilities to educate and get the public involved in solid waste management.

Proposed Educational Programs

There are four methods of waste reduction, each of which requires education, promotion and public involvement. This type of activity is time consuming and often sporadic in nature, requiring the flexibility and civic mindedness of volunteers. It is recommended that a county volunteer group (Citizens Advisory Committee) be appointed by the Murray County Commissioner and city councils to conduct the following waste reduction programs in conjunction with the Reduction Strategy Action Program outlined on page 20.

- **Reduction-at-Source**

  Educate the public and promote the development of "Reduction-Habits," particularly relating to consumer purchases. This program should emphasize the fact that changing the buying habits of one household or business creates an awareness about source reduction which, when multiplied by thousands of households and businesses in the county, results in noticeable waste reduction.

  Not only are "wasteful" products eliminated from the household or business purchase list, but the "reduction consciousness" created by source reduction will encourage the practice of other reduction techniques as well, such as recycling, composting, and reuse. Visual aids, such *as* pamphlets and video tapes, are recommended to be used to present the case for resource reduction in schools, civic groups and church groups. The theme of the presentation should be the personal and community cost savings of source reduction to the consumer as well as the long-term environmental benefits.

- **Recycling Program**

  Promote recycling at home and at work by educating the public about "environmental incentives" to recycle. Promote the recycling of "target wastes" with particular emphasis on commercial and industrial target wastes. Use visual aids such as pamphlets, flyers, video-tapes and news releases to consistently educate the public about recycling.

- **Resource Recovery Program**

  Educate the public about the opportunity provided by composting residential waste. Visual aids about composting should include pamphlets and demonstration tables which can be used by volunteers in schools and at public places.

- **Reuse**

  Educate the public about the practicality of re-using articles that are discarded but which have a remaining useful life, such as clothing or small appliances. Assuming it is feasible to establish a buy-back center, promote or initiate the creation of a private or non-profit buy-back center. Promote the use of the buy-back center as a potential tax advantage if items are donated. A general handout about reuse is recommended identifying the items which can be reused at home as well as sold or donated to the buy-back center.

Citizens Advisory Committee

The Solid Waste Citizens Advisory Committee is a group of civic minded persons appointed by the County Commissioner to advise the county as to citizen interests in solid waste matters. It is recommended that Murray County appoint three citizens to the Citizen Advisory Committee, preferably one each from the residential, commercial, and industrial sectors. It is also recommended that the cities of Chatsworth and Eton be represented on the Citizen Advisory Committee or on sub-committees. The Committee should have a chairman and a regular meeting

schedule and should delegate various tasks to sub-committees made up of additional volunteers. These volunteers could come from various organizations or clubs in the county, such as the boy scouts or a garden club. The following is a list of suggested subcommittees that could be formed either individually or combined:

1. Residential Recycling Education
2. Commercial/Industrial Recycling Education
3. Source Reduction Education
4. Reuse Education
5. Composting Education
6. Litter Control
7. Financial Incentives
8. Law Enforcement
9. Media Relations

Litter Control Program

Litter is the result of the irresponsible scattering of waste, throughout the county and its cities, particularly along the county's streets and highways. In spite of continuing efforts by individuals and the Chatsworth-Murray County Chamber of Commerce littering is a persistent problem in Murray County. It should be emphasized that litter is not only unsightly but "unhealthy" in that it attracts rats and insects and could be dangerous to children and pets, particularly from bacteria and/or sharp objects. The County will continue to enforce existing anti-litter laws with stiff penalties, such as the doubling of the fine for each consecutive violation. The fines could be earmarked to pay for the costs of further efforts by the county to

eradicate litter. The County also enlisted the aid of Keep Georgia Beautiful to eradicate litter.

Proposed Public Involvement Program

- **Program Coordination**

  The proposed Murray County Solid Waste Citizens Advisory Committee should be appointed immediately by the County Commissioner and city councils in order to expedite the creation of sub-committees. Creation of the Citizens Advisory Committee is urgent because of the need to begin the proposed Murray County Waste Reduction Program. Lack of coordination between volunteers and the county could destroy the important momentum created by the promotional and educational efforts of the Citizens Advisory Committee. No promotional effort should go public until the waste reduction system is capable of handling the initial response.

- **Program Elements**

  A Public Involvement Program includes three essential things. First, and foremost, committed elected official(s) and volunteers must establish priorities based upon the adopted Waste Reduction Action Program. Second, target audiences should be identified in the county based upon the adopted Waste Reduction Program and matched with appropriate media opportunities in addition to the more traditional methods of mail outs, school presentations and news releases. Third, affordable and relevant visual aids, such as pamphlets, flyers,

and demonstration packages should be produced to match target audiences and the capability of the appointed volunteers to use them effectively.

8. IMPLEMENTATION AND FINANCING

Implementation Strategy

- Waste Collection

  The Cities of Chatsworth and Eton have determined, that based on current cost/benefit analysis their present methods of collecting waste meet their needs and are generally the most effective methods for their residents. Murray County has determined that the rural nature of the county would make the implementation of a public collection system cost prohibitive.

- Landfill Operations

  The Murray County Implementation Strategy is based upon a single alternative: continued operation and expansion of the present landfill site. Based on an evaluation of local needs such as anticipated growth and development, and taking into consideration the implications of not being able to control costs associated with transferring waste to an out of county lined facility, the local governments have chosen to continue to operate a local landfill through the year 2010 and beyond. Since the landfill will remain open there are no separate costs associated with closure.

- Convenience Center Concept

  The Murray County Implementation Strategy is also based upon the use of convenience centers throughout the county where both solid waste and "source separated recyclables" can be "dropped off." The county will convert the four existing "manned and fenced" dumpster sites into secondary "drop-off'centers. The focal point of this convenience center concept is the establishment of a Resource Recovery Center on the existing county landfill site which will process, store and ship all recyclables collected from the secondary "drop-off' centers. The Resource Recovery Center also serves as a centralized "drop-off' center for recyclables, scrap tires, and banned items.

Financing Options

The Murray County Implementation Strategy is proposed to be financed as shown in Illustration 4. Grants and Loans is dependent upon state and Fderal governmental decisions on priorities and seriousness of Murray County problems.

The most significant sources of revenue are user fees and the general fund. Historically, these revenue sources have proven to be dependable because they are controlled by local government.

Chatsworth covers the cost of residential pickup and dropoff at the landfill with general fund revenues. Commercial establishments are charged $18 per month for one 95 gallon container, $25 per month for two containers, or $35 per month for three containers.

The fee is justified by daily pickup rather than weekly provided to residences. A monthly fee of about $14 per residence billed with the water bill would replace the cost currently charged to the general fund. A decision between fees and taxes is a policy decision that has been decided in favor of taxes by the current city council.

Eton covers the entire cost of collection and disposal with general fund revenues. The cost of establishing and operating a billing system would greatly increase the cost of solid waste services.

Financial Plan

Tipping fees are the most widely used method to finance annual operating costs for landfill operations. Murray County proposes to continue tipping fees which, when annualized, will match the total net costs of county waste management operations on an annual per ton basis.

From time to time as the opportunity presents itself, the County and Cities will seek Federal and/or State grants and loans to assist financing local solid waste capital expenditures for additional equipment or replacement of existing equipment or to initiate new solid waste initiatives.

Murray County is currently considering a Special Purpose Local Option Sales Tax. One project that might be included in the SPLOST is the expansion of the landfill. Capital intensive projects such as the landfill expansion are well suited to SPLOST financing.

Murray County has no bonded indebtedness and would utilize bonds for solid waste services only as a last resort.

ILLUSTRATION 3
SOLID WASTE MANAGEMENT PLAN
IMPLEMENTATION STRATEGY

[SEE FOLDOUT PAGE]

ILLUSTRATION 4
FINANCING METHODS
MURRAY COUNTY

○ **USER FEES**	
Tipping Fee	Annual re-evaluation of level
"Drop-off" Fee	Not recommended at this time
○ **COUNTY GENERAL FUND**	Only for cost overruns
○ **ENTERPRISE FUNDING**	
Self supporting "buy back" center.	Not recommended at this time
○ **GRANTS AND LOANS**	Grant outlook poor
○ **SPECIAL PURPOSE LOCAL OPTION SALES TAX**	Worthy of serious consideration
○ **BONDED INDEBTEDNESS**	Not currently feasible

Note: Self-supporting means at least break even

Tipping Fee means fee charged to dispose of waste at county landfill.

"Drop-off' fee means net charge for garbage brought to "Drop-off' center after credit given for "drop-off' of recyclables.

APPENDIX 1

MURRAY COUNTY LANDFILL EQUIPMENT

EQUIPMENT	SERIAL NUMBER	CONDITION
D-7 Dozer	5BF06023	Good
D-8 Dozer	STN00580	Good
816-B Compactor	15Z01173	Burned
826-G Compactor	STN00580	Good
621-E Pan	6AB01483	Good
Kobelco Trackhoe	YQU0483	Good
International Tractor	DF257JGB11429	Good
'96 International Roll-Off	JHTGLADTXVH443039	Good
75 Ford Water Truck	FYOEVV05418	Fair
'95 Ford P/U 4x4	IFTEF14N2LA09333	Good
GMC Dump Truck	1GDG6D1AXEV530007	Fair

APPENDIX 2

SANITATION EQUIPMENT

2000 International - Model 4700 - Equipped with Newway 11 Cubic Yard Rear Loader

998 Chevrolet T-Series - Equipped with Newway 20 Cubic Yard Sideloading Body

Scanner - 95 Gallon Trash Carts - Quantity in Use - 1324

ALL SANITATION EQUIPMENT IS IN GOOD CONDITION.

ILLUSTRATION 3
SOLID WASTE MANAGEMENT PLAN
IMPLEMENTATION STRATEGY

ACTIONS REQUIRED	THIRTEEN YEAR PLAN														CAPITAL OUTLAYS	RESPONSIBLE PARTY
	92	93	94	95	96	97	98	99	2000	2001	2002	2003	2004	2005		
Prepare and adopt Solid Waste Plan.	•	•														County; cities
Purchase and install certified scales.		•													$27,450	County
Establish and implement tipping fee.		•														County
Develop and improve existing landfill site.		•													$91,462	County
Develop new Subtitle D Landfill cell at present landfill site.						•					•				$1,961,966	County
Add fifth drop-off center										•					$10,000	
Expand five drop-off centers to enable collection of recyclables.										•					$16,000	County
Establish and begin operations of Resource Recovery Center at Landfill.										•					$139,800	County
Appoint Citizens Advisory Committee and implement Recycling Education Program.										•						County
Replace landfill equipment as needed.		•	(Estimated annualized cost)												$120,000	County
Replace Collection Equipment as needed		•	(Estimated annualized cost)												$12,400	County
_____	—	—	—	—	—	—	—	—	—	—				—	_____	_____

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APPENDIX 3

SOLID WASTE HANDING 1992-2005
FULL COST REPORTING AND PROJECTION

[SEE FOLDOUT PAGE]

APPENDIX 2

STATE OF GEORGIA
COUNTY OF FORSYTH

AFFIDAVIT OF JOHN PEARSON

Now appeared before me, a person authorized by law to administer oaths, John Pearson, who after first being duly sworn on oath stated as follows:

1.

My name is John Pearson. I am over the age of eighteen. I am competent in all respects to give the testimony set forth herein. I have personal knowledge of the facts stated herein and know them to be true.

2.

I have been the Managing Member of Clearfork Properties, LLC since its formation prior to April 1, 2006.

3.

On December 11, 2001, Mike Ayers signed a purchase contract for the property that is the subject of this appeal ("Property"). That purchase contract was assigned to R and J Murray, LLC on March 4, 2003.

4.

Clearfork Properties, LLC's decided to purchase the Property and allow R and J Murray, LLC to develop a landfill on the Property. To accomplish that goal, R and J Murray, LLC signed an ASSIGNMENT OF CONTRACT on April 1, 2006, by which it assigned the purchase contract for the Property to Clearfork Properties, LLC. The ASSIGNMENT OF CONTRACT reserved R and J Murray, LLC's rights to develop a landfill on the Property.

5.

In addition, on April 1, 2006, R and J Murray, LLC and Clearfork Properties, LLC signed a PURCHASE OPTION AGREEMENT for the Property. The PURCHASE OPTION AGREEMENT states on its first page: "This Option shall terminate only at such time that [R and J Murray, LLC] consents to its termination in writing." It was not and has never been Clearfork Properties, LLC's intent for the Purchase Option Agreement to expire after a period of eighteen months as suggested by the Respondents in proceedings pending before the Supreme Court of the United States.

7.

On May 15, 2006, Clearfork Properties, LLC closed on the purchase contract for the Property. Clearfork Properties, LLC owns the Property.

6.

The PURCHASE OPTION AGREEMENT is still in effect. Since April 1, 2006, R and J Murray, LLC has been paying $6,000.00 per month to Clearfork Properties, LLC to maintain the PURCHASE OPTION AGREEMENT pursuant to section 1.2 of the PURCHASE OPTION AGREEMENT. All of the documents referenced in this Affidavit are contained in the record of the appeal to the Supreme Court of Georgia from which R and J Murray, LLC seeks a Petition for Writ of Certiorari.

FURTHER AFFIANT SAYETH NOT.

/s/ John Pearson
John Pearson

Sworn to and subscribed before me
this 3rd day of June, 2008:

/s/ Jennifer Cleveland
Notary Public
exp 11-5-2010

Appendix 3
SOLID WASTE HANDING 1992-2005
FULL COST REPORTING AND PROJECTION

Jurisdiction/Activity	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Murray County														
Administration	nar	nar	nar	nar	nar	nar	nar	0	0	0	0	0	0	0
Collection	226,336	85,572	100,009	344,244	492,008	523,697	517,732	146,159	150,000	171,500	165,375	173,644	182,326	191,442
Disposal	94,849	445,019	511,704	618,228	1,161,319	1,200,705	647,033	712,823	564,000	713,200	664,680	698,103	733,008	769,658
Recyclables Collection	0	0	7,875	13,560	2,374	14,788	10,216	13,917	15,000	20,000	26,250	27,563	28,941	30,388
Recyclables Operation	nar	nar	nar	nar	nar	nar	nar	0	0	5,234	9,980	15,958	19,518	20,170
Yard Trimmings	nar	nar	nar	nar	nar	nar	nar	0	0	0	0	0	0	0
Landfill/Cell Developmt	nar	nar	nar	nar	nar	nar	nar	702,499	15,000	25,000	1,500,000	210,000	15,000	15,000
Public Education	0	0	0	0	0	0	0	0	0	5,000	2,000	2,100	2,205	2,315
Total Cost	323,185	530,591	619,588	976,030	1,655,701	1,738,568	1,174,981	1,575,408	764,000	994,934	2,368,485	1,125,368	978,793	1,026,659
Tons	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR
Cost per ton	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR
Operating Revenue	0	0	716,349	959,836	1,576,724	1,534,462	1,077,993	740,717	750,000	765,000	780,300	795,906	811,824	828,061
Grants	0	274,138	0	0	0	0	0	0	0	0	0	0	0	0
From General Fund	323,185	256,453	(96,761)	16,394	78,977	204,068	96,988	834,691	14,000	229,934	1,588,185	329,362	166,969	198,598
Chatsworth														
Administration	nar	nar	nar	nar	nar	nar	nar	0	0	0	0	0	0	0
Collection	243,021	238,809	266,611	238,352	224,796	297,559	332,790	296,967	390,739	210,000	220,500	231,525	243,101	255,256
Disposal	0	0	0	0	0	0	0	35,719	69,500	72,975	76,624	80,455	84,478	88,702
Recyclables Collection	0	54,627	22,293	31,420	103,582	97,734	105,011	0	0	0	0	0	0	0
Recyclables Operation	nar	nar	nar	nar	nar	nar	nar	0	0	0	0	0	0	0
Yard Trimmings	nar	nar	nar	nar	nar	nar	nar	30,758	31,000	32,550	34,178	35,886	37,681	39,565
Landfill/Cell Developmt	nar	nar	nar	nar	nar	nar	nar	0	0	0	0	0	0	0
Public Education	0	40	0	0	0	0	0	0	0	0	0	0	0	0
Total Cost	243,021	293,436	288,904	269,772	328,378	395,293	437,801	363,445	491,239	315,525	331,301	347,868	365,260	383,523
Tons	3,352	3,169	3,836	3,667	3,048	2,906	2,936	3,110	3,200	3,232	3,264	3,297	3,330	3,363
Cost per ton	72.50	92.60	73.45	73.57	107.81	135.93	149.01	116.86	153.51	97.63	101.49	105.51	109.69	114.03
Operating Revenue	0	0	0	0	0	0	0	27,881	36,000	37,800	39,690	41,675	43,758	45,946
From General Fund	243,021	293,436	288,904	269,772	328,378	395,293	437,801	335,564	455,239	277,725	291,611	306,192	321,501	337,576
Eton														
Administration	nar	nar	nar	nar	nar	nar	nar	0	0	0	0	0	0	0
Collection	7,900	0	7,600	12,835	14,277	5,519	5,435	4,983	5,000	5,250	5,513	5,788	6,078	6,381
Disposal	0	2,088	0	0	0	5,104	4,855	5,095	5,100	5,355	5,623	5,904	6,199	6,509
Recyclables Collection	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Recyclables Operation	nar	nar	nar	nar	nar	nar	nar	0	0	0	0	0	0	0
Yard Trimmings	nar	nar	nar	nar	nar	nar	nar	0	0	0	0	0	0	0
Landfill/Cell Developmt	nar	nar	nar	nar	nar	nar	nar	0	0	0	0	0	0	0
Public Education	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Cost	7,900	2,088	7,600	12,835	14,277	10,623	10,290	10,078	10,100	10,605	11,135	11,692	12,277	12,890
Tons	52	82	171	170	188	168	160	168	170	172	173	175	177	179
Cost per ton	151.92	25.47	44.44	75.50	75.94	63.23	64.31	59.99	59.41	61.76	64.21	66.75	69.40	72.15
Operating Revenue	0	0	0	0	0	0	0	0	0	0	0	0	0	0
From General Fund	7,900	2,088	7,600	12,835	14,277	10,623	10,290	10,078	10,100	10,605	11,135	11,692	12,277	12,890

*nar - not separately reported
Figures for collection and disposal sometimes combined.
1992-1998 figures are from Full Cost Reports sent to Georgia Department of Community Affairs
Chatsworth and Eton have no projected capital costs.
Capital Costs for Murray County are detailed in Table 6.